

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF MISSOURI

DAVID BUTLER and KATHY BUTLER,)
his wife,)

Petitioners,)

vs.)

Cause No. 22-cv-00963-HEA

A.W. CHESTERTON COMPANY, et al.)

Defendants.)

PETITIONERS' NOTICE OF DISMISSAL

Petitioners DAVID BUTLER and KATHY BUTLER hereby file their notice of dismissal of Defendant FOSTER WHEELER ENERGY CORPORATION under Federal Rule of Civil Procedure 41(a)(1)(A)(i).

1. Petitioners sued Defendants in the 22nd Circuit Court, City of St. Louis, Missouri on February 8, 2022; the action was subsequently removed to this Court on September 14, 2022.
2. Defendant FOSTER WHEELER ENERGY CORPORATION has not served an answer or Motion for Summary Judgment as of the filing of this Notice.
3. This case is not a class action under Federal Rule of Civil Procedure 23, a derivative action under Rule 23.1, or an action related to an unincorporated association under Rule 23.2.
4. This case is not governed by any federal statute that requires a court order for dismissal of the case.
5. A receiver has not been appointed in this case.

6. Petitioners have not previously dismissed any federal- or state-court suit based on or including the same claims as those presented in this case.
7. This dismissal is without prejudice.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on April 6, 2023, a copy of the Petitioners' Notice of Dismissal, was served by e-mail on the following attorneys in charge for:

s/Andrew Murrie
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